

Message Text

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PAGE 01 STATE 037679
ORIGIN IO-13

INFO OCT-01 ISO-00 ACDA-07 ERDA-05 AF-08 ARA-06 CIAE-00
DODE-00 EA-07 EUR-12 PM-04 H-01 INR-07 L-03 NASA-01
NEA-10 NSAE-00 NSC-05 OIC-02 SP-02 PA-01 PRS-01
OES-06 SS-15 USIA-06 SAJ-01 OMB-01 DHA-02 EPA-01 /128 R

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S/P:THIRSCHFELD (SUBS)
EUR/SOV:JGLASSMAN (SUBS)
ACDA/GE:MMAZEAU (SUBS)
ACDA/IR:NWALDROP (SUBS)
PM/DCA:HPHELPS (SUBS)
-----190506 098454 /21

R 181654Z FEB 77
FM SECSTATE WASHDC
TO USMISSION USUN NEW YORK
INFO AMEMBASSY MOSCOW
USMISSION GENEVA
ALL NATO CAPITALS
USMISSION NATO

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E.O. 11652: N.A.

TAGS: PARM, UN

SUBJ: SIGNING OF THE CONVENTION ON THE PROHIBITION OF
MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODI-
FICATION TECHNIQUES

1. ON DECEMBER 11, 1976, THE UNGA, BY A VOTE OF 96 TO
8 WITH 30 ABSTENTIONS, ADOPTED A RESOLUTION RECOMMENDING
THE SUBJECT CONVENTION TO GOVERNMENTS FOR CONSIDERATION
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AND SIGNING. THE UN SECRETARY-GENERAL COULD OPEN THE CON-
VENTION FOR SIGNATURE AS SOON AS FINAL EDITING OF THE TEXT
IN ALL TREATY LANGUAGES IS COMPLETED, PRESUMABLY BY THE
MIDDLE OR END OF FEBRUARY. ON JANUARY 24, 1977, THE
SOVIETS EXPRESSED INTEREST IN AN EARLY OPENING OF THE
CONVENTION FOR SIGNATURE AND SIMULTANEOUS SIGNING BY THE
U.S. AND THE USSR AND AS MANY OTHER STATES AS POSSIBLE

ON THE DAY THE CONVENTION IS OPEN FOR SIGNATURE.

2. ON NOVEMBER 22, 1976, THE NATURAL RESOURCES DEFENSE COUNCIL, INC. FILED SUIT AGAINST FRED C. IKLE, DIRECTOR OF ACDA, AND HENRY A. KISSINGER (UNDER RULE 25(D) OF THE FEDERAL RULES OF CIVIL PROCEDURE THE SUCCESSOR IN OFFICE "IS AUTOMATICALLY SUBSTITUTED AS A PARTY.")ALLEGING, INTER ALIA, THAT DEFENDANTS HAD VIOLATED THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) IN THAT THEY FAILED TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT CONCERNING THE CONVENTION, AND REQUESTING THE COURT TO ISSUE AN INJUNCTION "PROHIBITING THE DEFENDANTS FROM TAKING ANY ACTIONS TO COMMIT THE UNITED STATES TO THE CONVENTION, INCLUDING, BUT NOT LIMITED TO, VOTING FOR ADOPTION OF THE CONVENTION, SIGNING THE CONVENTION, AND SUBMITTING THE CONVENTION TO THE SENATE FOR ADVICE AND CONSENT, UNLESS AND UNTIL DEFENDANTS HAVE COMPLIED WITH ALL REQUIREMENTS OF NEPA." RESPONSIVE PLEADINGS ARE DUE FEBRUARY 23, 1977.

3. ALTHOUGH NO ATTEMPT WAS MADE TO OBTAIN AN INJUNCTION PRIOR TO OUR VOTING IN THE UNGA, THE POSSIBILITY CANNOT BE DISCOUNTED THAT SUCH AN ATTEMPT WILL BE MADE ONCE SIGNATURE BECOMES IMMINENT. UNDER THE CIRCUMSTANCES IT IS UNCERTAIN WHETHER A COURT WOULD GRANT SUCH INJUNCTIVE RELIEF. IN ANY CASE, THE PUBLICITY GENERATED BY A MOTION FOR AN INJUNCTION, COUPLED WITH EXISTING OPPOSITION TO THE CONVENTION BASED UPON THE LIMITED SCOPE OF ITS PROHIBITION, COULD PROVE EMBARRASSING TO LIMITED OFFICIAL USE

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THE ADMINISTRATION. FOR THESE REASONS, THE SECRETARY HAS INFORMED THE SOVIETS THAT WE PREFER TO DELAY SIGNING UNTIL OUR DOMESTIC LEGAL PROBLEM HAS BEEN RESOLVED. THE SOVIETS INDICATED THEY UNDERSTOOD OUR POSITION.

4. ACCORDINGLY, THE MISSION SHOULD APPROACH SYG WALDHEIM OR ONE OF HIS REPRESENTATIVES AND, DRAWING ON THE INFORMATION PROVIDED ABOVE, SUGGEST THAT THE OPENING OF THE CONVENTION FOR SIGNATURE BE DELAYED PENDING A RESOLUTION OF OUR DOMESTIC LEGAL PROBLEM, AND UNTIL SIMULTANEOUS US/SOVIET SIGNATURE IS POSSIBLE.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TREATY SIGNATURE, ENMOD, DISARMAMENT, UNGA RESOLUTIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 18-Feb-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE037679
Document Source: CORE
Document Unique ID: 00
Drafter: DAMACUK:GDG
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770059-0761
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770226/aaaaaxbv.tel
Line Count: 111
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Litigation Codes:
Litigation History:
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Office: ORIGIN IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
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Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3278873
Secure: OPEN
Status: NATIVE
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TAGS: PARM, UN
To: USUN NEW YORK
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/05907cc4-c288-dd11-92da-001cc4696bcc
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